

## **REMARKS**

Applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. Claims 1-4, 9-11, 13, 16-24, 26-29, 34-36 and 38-43 have been amended. No claims have been canceled. No claims have been added. Thus, claims 1-43 are pending.

### **Claim Objections**

The Office Action objects to claim 43 for depending from claim 41, suggesting that claim 43 is intended to depend from claim 42. Claim 43 is herein to depend from claim 42. Therefore, Applicants respectfully request that this objection be withdrawn.

### **35 U.S.C. §101 Rejections**

The Office Action rejects claims 26-40 under 35 U.S.C. §101 as being directed toward non-statutory matter. More particularly, the Office Action alleges that references to “machine accessible medium” are not limited to statutory subject matter. For at least the following reasons, Applicants traverse the above rejection.

Applicants amend the specification herein to remove references to storage media as including transmission environments such as a network over which program modules may be delivered in the form of packets, serial data, parallel data, or other transmission format. The Office Action recommends amending the above claims to recite “machine readable storage media.” Applicants amend claim 26 herein to recite “machine readable storage medium” and submit that currently amended claim 26 is directed to statutory subject matter. Furthermore, this statutory subject matter is incorporated into claims 27-40 by virtue of their depending variously from claim 26. Therefore, Applicants respectfully request that the above 35 U.S.C. §101 rejection of claims 26-40 be withdrawn.

### **35 U.S.C. §112 Rejections**

#### **Rejections under 35 U.S.C. §112, ¶1**

The Office Action rejects claim 42 under 35 U.S.C. §112, ¶1 for allegedly failing to meet the written description requirement. More particularly, the limitation “validating client authorization to have the resource locator de-obscured” is allegedly not described in the specification. For at least the following reasons, Applicants traverse the above rejection. In rejecting the above claims, the Office Action states that portions of the specification “merely provide support for **validating whether the client may access the resource**” (page 5, lines 1-3, emphasis added).

Claim 42 is amended herein to recite in a salient portion (emphasis added):

“...**validating client authorization to access the resource**, and if so, de-obscuring the resource locator;...”

Applicants submit that currently amended claim 42 is supported at least by page 7, lines 13-20 of the specification, and meets the written description requirement of 35 U.S.C. §112, ¶1. Furthermore, the Office Action itself admits to support in the specification for currently amended claim 42, as shown above. Therefore, Applicants respectfully request that the above 35 U.S.C. §112, ¶1 rejection of claim 42 be withdrawn.

### **35 U.S.C. §103(a) Rejections**

#### **35 U.S.C. §103(a) Rejection over Netscape, Goldberg and Rodriguez**

The Office Action rejects claims 1-6, 9, 10, 12-31, 34, 35, 37-40, and 42 under §103(a) as being obvious in light of *Netscape Proxy Server Administrator's Guide, Ch. 7: Reverse Proxy*, <http://developer.netscape.com/docs/manuals/proxy/adminux/revpxy.htm> (“Netscape”) in view of Ian Goldberg et al, *TAZ Servers and the Rewebber Network: Enabling Anonymous Publishing on the World Wide Web*, 1997 (“Goldberg”) in further view of Rodriguez et al., *Parallel-Access for Mirror Sites in the Internet*, 2000 (“Rodriguez”). The above rejection relies in part on the allegation that *Goldberg*

discloses, *inter alia*, an obscured URL that directs a client to a proxy, which de-obscures and retrieves a resource on the client's behalf. Applicants traverse the above rejection for at least the following reasons.

According to M.P.E.P. §2143.01(I) (emphasis added):

"Obviousness can only be established by **combining or modifying** the teachings of the prior art to produce the claimed invention where there is **some teaching, suggestion, or motivation to do so**. *In re Kahn*, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006)."

More particularly, M.P.E.P. §2143.01(VI) states (emphasis added):

"VI. THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE

If the proposed modification or combination of the prior art would **change the principle of operation** of the prior art invention being modified, then the teachings of the references are **not sufficient** to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)."

Applicants respectfully submit that each of rejected claims 1-6, 9, 10, 12-31, 34, 35, 37-40, and 42 is non-obvious over the cited references based at least on a **lack of motivation to combine** *Netscape*, *Goldberg* and *Rodriguez* so as to produce the inventions of independent claims 1, 20, 26 and 42.

The above rejected claims include independent claims 1, 20, 26 and 42. Currently amended claim 1 recites in a salient portion (emphasis added):

"A method **for a front end server in a set of one or more front end servers** to transparently provide access to a resource, the method comprising:

receiving from a client a resource locator for retrieving the resource, wherein the resource locator comprises a **network address of a resource manager** and the resource locator is at least partially obscured to hide the network address, wherein **access to the resource manager is controlled by the set of one or more front end servers;**..."

Each of claims 20, 26 and 42 are amended herein to recite similar claim limitations.

Applicants submit that the front end servers controlling access to a resource manager, variously recited in independent claims 1, 20, 26 and 42, are contrary to the principle of

operation of *Goldberg*, and that any combination of the references to practice the claimed invention requires a change to that principle of operation, in contradiction of M.P.E.P. §2143.01(VI).

The Office Action cites *Goldberg* (page 6, col 2, line 24 to page 7, col. 1, line 5) as disclosing an obscured URL that directs a client to a proxy, which de-obscures and retrieves a resource on the client's behalf. *Goldberg* is directed to anonymous publication of content on the World Wide Web, including the use of a rewebber that acts as a HTTP proxy for a "real" server providing the content. However, the "real" server in *Goldberg* is **directly** accessible, and the rewebber which acts as its HTTP proxy **does not control** access thereto. *Goldberg* **specifically** describes the "real" server as being directly accessible – e.g. via a path which circumvents a rewebber. For example, *Goldberg* describes additional protective measures for attempts to directly access the real server (page 7, col. 1, lines 6-15, emphasis added):

"...First of all, once the client has retrieved the data from the rewebber, he could use one of the more aggressive WWW search engines to try to find where the document originally came from. We solve this problem by encrypting the document before storing it on the server. Thus, **if the document is accessed directly** (through a search engine, for example), it will be random data (but see the Section below, "Future Work", for an interesting extension)."

Therefore, *Goldberg* **fails** to describe a rewebber which **controls** access to a "real" server. On the contrary, *Goldberg* specifically seeks to **avoid** controlled access to content in the "real" server (from page 3, col. 1, line 42 to col. 2, line 4, emphasis added):

"One **important goal is to avoid the existence of a central single point of failure**. Any such single point of failure becomes a very attractive target - a sitting duck for the motivated adversary. Instead, we **strongly prefer** to distribute trust to obtain **resilience in the event that a few network nodes are compromised** or colluding..."

In other words, *Goldberg* "strongly" prefers the "important goal" of avoiding limited access to a resource of the "real" server. Therefore, a rewebber is disclosed as **not** controlling access to the "real" server. Assuming *arguendo* that the references may be combined to practice the other limitations of independent claims 1, 20, 26 and 42, which

Applicants to not agree, the references still **cannot** be combined to practice controlled access to a “real” server, without changing the principle of operation of *Goldberg*.

Applicants argue in the alternative that there is still no motivation to combine due to *Goldberg* **teaching away** from the front end server controlling access to a resource manager. According to M.P.E.P. §2141.02(VI)

**“VI. PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS**

A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)...”

Furthermore, M.P.E.P. §2145(X)(D)(2) states:

**“2. References Cannot Be Combined Where Reference Teaches Away from Their Combination**

It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983)...”

In light of page 7, col. 1, lines 6-15 of *Goldberg*, Applicants submit as an alternative argument that the reference, when taken as a whole, **teaches away** from a front end server in the claims controlling access to a resource manager. In other words, the “strongly” preferred “important goal” in *Goldberg* of avoiding limited access to a resource is **contrary** to there being a motivation to combine *Goldberg* with other references so as to practice the claimed invention.

For at least the foregoing reasons, Applicants submit that each of independent claims 1, 20, 26 and 42 is non-obvious in view of the references. If the independent claim are non-obvious under 35 U.S.C. §103, then claims depending therefrom – e.g. claims 2-6, 9, 10, 12-19, 21-25, 27-31, 34, 35 and 37-40 – are also non-obvious. See M.P.E.P. §2143.03. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 1-6, 9, 10, 12-31, 34, 35, 37-40, and 42 based on *Netscape*, *Goldberg* and *Rodriguez* be withdrawn.

**35 U.S.C. §103(a) Rejection over Netscape, Goldberg, Rodriguez and Sasaki**

The Office Action rejects claims 7, 8, 32, 33, 41, and 43 under §103(a) as being obvious in light of *Netscape* in view of *Goldberg* in further view of *Rodriguez* in further view of *Sasaki* US Pub No. 2001/0013070 ("*Sasaki*"). The above rejection relies at least in part on the above-discussed 35 U.S.C. §103 rejection of independent claims 1, 20, 26 and 42, which is based on *Netscape*, *Goldberg* and *Rodriguez* alone. *Sasaki* is offered in the Office Action as allegedly disclosing the use of a proxy header. Applicants traverse the above rejection for at least the following reasons.

As discussed above, there is a **lack of motivation to combine** *Netscape*, *Goldberg* and *Rodriguez* so as to make or use the inventions recited in each of independent claims 1, 20, 26 and 42. At the very least, *Goldberg*, when taken as a whole, **teaches away** from any such combination. Moreover, any combination of the references to practice the claimed invention would require a **changing of the principle of operation** of *Goldberg*, in contradiction of M.P.E.P. §2143.01(VI). In rejecting the above claims, the Office Action **fails** to set forth how *Sasaki* or any of the other references might overcome the previously-discussed lack of motivation to combine *Netscape*, *Goldberg* and *Rodriguez* to practice the invention of independent claims 1, 20, 26 and 42.

Therefore, Applicants respectfully submit that there is similarly no motivation to combine *Netscape*, *Goldberg*, *Rodriguez* and *Sasaki* so as to practice the invention of independent claims 1, 20, 26 and 42. Accordingly, each of independent claims 1, 20, 26 and 42 remains non-obvious when further in light of *Sasaki*. If independent claims are non-obvious under 35 U.S.C. §103, then claims depending therefrom – e.g. claims 7, 8, 32, 33, 41, and 43 – are also non-obvious. See M.P.E.P. §2143.03. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 7, 8, 32, 33, 41, and 43 based on *Netscape*, *Goldberg*, *Rodriguez* and *Sasaki* be withdrawn.

**35 U.S.C. §103(a) Rejection over *Netscape, Goldberg and Rodriguez***

The Office Action rejects claims 11 and 36 under §103(a) as being obvious in light of *Netscape* in view of *Goldberg* in further view of *Rodriguez* in further view of Applicant's admitted prior art. The above rejection relies at least in part on the above-discussed 35 U.S.C. §103 rejection of independent claims 1 and 26, which is based on *Netscape, Goldberg and Rodriguez* alone. Applicants are further alleged to have admitted to load balancing techniques being old and well-known in the art. Applicants traverse the above rejection for at least the following reasons.

As discussed above, there is a **lack of motivation to combine** *Netscape, Goldberg and Rodriguez* so as to make or use the inventions recited in each of independent claims 1 and 26. At the very least, *Goldberg*, when taken as a whole, **teaches away** from any such combination. Moreover, any combination of the references to practice the claimed invention would require a **changing of the principle of operation** of *Goldberg*, in contradiction of M.P.E.P. §2143.01(VI). In rejecting the above claims, the Office Action **fails** to set forth any new basis for the references and/or any allegedly admitted prior art overcoming the previously-discussed lack of motivation to combine *Netscape, Goldberg and Rodriguez* to practice the invention of independent claims 1 and 26.

Applicants again respectfully submit that there is no motivation to combine *Netscape, Goldberg and Rodriguez* so as to practice the invention of independent claims 1 and 26. Accordingly, each of independent claims 1 and 26 is non-obvious in light of the references. If independent claims are non-obvious under 35 U.S.C. §103, then claims depending therefrom – e.g. claims 11 and 36 – are also non-obvious. *See* M.P.E.P. §2143.03. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 11 and 36 based on *Netscape, Goldberg and Rodriguez* be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the objections and rejections have been overcome. Therefore, claims 1-43 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
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